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Paper No. 22

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In re Application of
Eliezer Pasternak
Application No. 09/528,111
Filed: March 17, 2000
For: SIGNAL COMMUNICATIONS
SYSTEM AND METHOD FOR NOISY
LINKS

MAR 24 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is in response to the petition filed January 30, 2004 which is treated as a Petition to Withdraw Holding of Abandonment pursuant to 37 C.F.R. §1.181(a). No fee is required.

This application is in an abandoned status for failure to file corrected formal drawings as required by the supplemental Notice of Allowability mailed July 18, 2003. A Notice of Abandonment was mailed January 9, 2004.

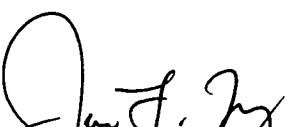
Petitioner asserts that corrected formal drawings were timely filed on June 9, 2003. In support of the petition, petitioner has submitted a copy of a postcard which is date stamped June 23, 2003 by the Patent and Trademark Office acknowledging receipt of 13 sheets of formal drawings on that date. In addition, Petitioner provides copies of the formal drawings originally submitted.

M.P.E.P. § 503 states, “[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon on the date stamped thereon by the PTO.” It is further noted the original corrected formal drawings filed June 23, 2003 are of record in the application file.

However, the drawings filed June 23, 2003 were not acceptable as the margins were incorrect as indicated in the Notice of Draftperson’s Review attached to the supplemental Notice of Allowability mailed July 18, 2003. It was failure to reply to this notice by providing new corrected formal drawings which caused the application to become abandoned.

Accordingly, the petition is **DENIED**.

Petitioner is given TWO MONTHS to respond to this decision by way of request for reconsideration and to supplement the original petition as necessary. This time period is **NOT** extendable under 37 CFR 1.136(a).


Jin F. Ng, Director
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Communications